IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 22801 of 2001

Between:

1 V.V.Ramana S/o V.Venkat rao
R/o H.No. 10-3-12/1 Mehadipatnam, Hyderabad
2 M.Moghisuddin S/o Late. Mohd. Bairaduddin
R/o H.No.10-3-12 Mehadipatnam
Hyderabad
3 Md.Fazluru Rahman S/o Late.M.A.Wahab
R/o H.No.10-3-12/2 Mehadipatnam
Hyderabad
4 Khaja Begum W/o.Late Mohd.Ismail
R/o H.No.10-3-12/D Mehadipatnam
Hyderabad

..... PETITIONERS

AND

1 Commissioner of M.C.H
Tank bund Road, Hyderabad
2 Asst Town Planner (M.C.H)
Tank bund road, Hyderabad
3 Taher S/o Salehbin Salum
R/o H.No. 10-3-12/3/2 Mehadipatnam
4 Gyaneswar S/o Munu Swamy
R/o H.No.10-3-3/62, Mehadipatnam
Hyderabad.
5 Bashir Ali Baig
R/o H.No.10-3-3/61/2 Mehadipatnam

Hyderabad

6 Khaja Moinuddin S/o Khaja Karimuddin (Late)
R/o H.No.10-3-3/61 Mehadipatnam
Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction writ or order ,in the nature of mandamus :- A)declaring the action of the respondents in not discharging the duties entrusted to them under the provisions of the Hyderabad (M.C.H) Act and allowing the encroachment by the adjacent house owners of the road of the road opposite to Mehadipatnam cross roads main gate,Humayun -nagar Hyderabad, even after our repeated representations and reminders Dt.16-10-98, 27-3-99, 25-7-2000, 10-10-2000,14-12-2000,17-12-2001 and 8-6-2001 made to the respondents herein ,is arbitrary and illegal: B) Directing the respondents herein to remove the encroachments on the eastern side of the road opposite to Mehadipatnam cross roads, Main gate, Humayunnagar. Hyderabad.

Counsel for the Petitioner:MR.N.VENKATA REDDY

Counsel for the Respondents 1 and 2: Mr.Ghanta Rama Rao

Counsel for the Respondent Nos.3 to 6: MR.N.RAJESWAR RAO

The Court made the following :

ORAL ORDER: (per the Hon'ble the Chief Justice)

Petitioners are residents of Mehdipatnam, Hyderabad and have grievance against the respondents 1 and 2 in not considering their representations in which they have made some grievance against construction being raised by respondents 3 to 6. It is stated that respondents 3 to 6 are raising construction on the eastern side of the road opposite to Mehdipatnam Cross Roads main gate, Humayun Nagar, Hyderabad and they apprehend that some encroachments were also made on the road.

Though the petition cannot be treated as public interest litigation having been filed by adjacent owners of the property, but as counter affidavit has not been filed by respondents 1 and 2 and in the counter affidavit filed by respondents 3 to 6, the facts as alleged in the petition are disputed, we will dispose of the writ petition with a direction to the respondents 1 and 2 to have the extent of the road measured and in case any encroachment is found to have been made by any person in and around the area in question, they may proceed in accordance with law for removing the encroachments and to ensure that the approach roads are not allowed to be made congested by fresh encroachments. Needful will be done within a period of three months from the date of receipt of the writ order.

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DEVINDER GUPTA, CJ

29-11-2004

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G.ROHINI, J

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To

1 Commissioner of M.C.H, Tank bund Road, Hyderabad
2 Asst Town Planner (M.C.H), Tank bund road, Hyderabad

3 2 CD copies.